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3. That a tapered duct discharging or exhausting through lateral ports is likely to give rise to serious irregularity in distribution.

COURT DECISION REGARDING PERSONAL ATTENDANCE ON PATIENTS BY PRACTITIONERS UNDER HARRISON ANTI-NARCOTIC ACT.¹

In a prosecution for violation of the Harrison Antinarcotic Act, the evidence showed that the defendant, a physician, dispensed at his office some morphine to a certain person. The defendant claimed that what he did he had a right to do as a practicing physician. The law provides for the dispensing, without an order form, of drugs to a patient by a physician in the course of his professional practice, and no record is required to be kept of drugs dispensed to a patient upon whom a physician shall personally attend. Under the authority conferred by the law, the Commissioner of Internal Revenue promulgated a rule regarding dispensing of drugs by practitioners which provided in part that "A practitioner is not regarded as in personal attendance upon a patient within the intent of the statute unless he is in personal attendance upon such patient away from his office." In reversing the judgment of conviction and granting a new trial, the United States Circuit Court of Appeals, Eighth Circuit, said: "The power of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to make all needful rules and regulations for carrying the provisions of the Narcotic Act into effect, did not confer the power to say that a physician could not personally attend a patient at his office. The enforcement of the act did not require any such rule, and it is contrary to the language of the act itself, which is plain and unambiguous and says nothing about where the patient shall be when personally attended. * * * If Congress had intended to exclude personal attendance at office, it would have said so. * * * The fact of omission is strong evidence that it did not intend to say so. * * * Congress can not delegate legislative power to an executive officer."

DEATHS DURING WEEK ENDED JULY 15, 1922.

Summary of information received by telegraph from industrial insurance companies for week ended July 15, 1922, and corresponding week, 1921. (From the Weekly Health Index, July 18, 1922, issued by the Bureau of the Census, Department of Commerce.)

	Week ended July 15, 1922.	Corresponding week, 1921.
Policies in force	49, 659, 725	47, 327, 101
Number of death claims	8, 616	8, 159
Death claims per 1,000 policies in force, annual rate	9.0	9.0

¹Hurwitz v. United States, 280 Fed. 109.